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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,792	01/08/2004	Alexander Y. Narodetsky	6890-101	8591
36412	7590	01/18/2006		
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400 SAN DIEGO, CA 92101-7915			EXAMINER GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/754,792

Applicant(s)

NARODETSKY, ALEXANDER Y.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/8/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because of informal text and shading. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Match.com (PTO-892, Ref U: hereinafter Match).**

Referring to claim 1. Match discloses a method of providing a match between users, comprising:

- Receiving and storing user information from a first user (Match: page 5, "Register and post your FREE profile");
- Providing the user information to a second user (Match: page 11, "Two-way matching for optimal results");
- Receiving a request for a desired match from the second user (Match: page 4, "Subscribe to contact members for under \$25/month");
- Requesting registration from at least one of the first and second users (Match: page 4, "Subscribe to contact members for under \$25/month"); and
- Sending identification information to at least one of the first and second users in response to the registration being made (Match: page 4, "Subscribe to contact members for under \$25/month").

Referring to claim 2. Match further discloses a method wherein the requesting of registration includes requesting payment from the second user (Match: page 4, "Subscribe to contact members for under \$25/month").

Referring to claim 3. Match further discloses a method wherein the requesting registration includes requesting payment from the first user (Match: page 4, "Subscribe to contact members for under \$25/month").

Referring to claim 5. Match further discloses a method wherein the identification information includes personal contact identification information (Match: page 5, "Register and post your FREE profile").

Referring to claim 6. Match further discloses a method including receiving information via a network (Match: page 11, "Leave your dating worries behind as you enter the web's largest community of discriminating eligible singles").

Referring to claim 7. Match further discloses a method including in response to the receiving a request includes sending a message to the first user that one or more other users have desired a match, and providing a message for such interest in a list for the first user (Match: page 4, "Subscribe to contact members for under \$25/month").

Referring to claims 8-10 and 12-14. Claims 8-10 and 12-14 are rejected under the same rationale as set forth above in claims 1-3 and 5-8.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Match.com (PTO-892, Ref U: hereinafter Match).**

Referring to claims 4 and 11. Match discloses a method according to claim 1 and a system according to claim 8 as indicated supra. Match further discloses a method and system wherein the user information includes personal identification information (Match: page 6). Match does not expressly disclose a method or system wherein the user information includes article identification information. However these differences are only found in the nonfunctional information stored via the method and system. The type of identification information is not functionally related to the substrate of the method and system. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of identification information in the fields as shown in Match because such information does not functionally relate to the

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substrate of the method and system and merely labeling the identification information

differently from that in the prior art would have been obvious. See Gulack cited above.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shostack et al., U.S. Patent Application Publication No. 2004/0260781 A1, December 23, 2004, discloses a web based dating service with weighted interests matching.

Austin et al., U.S. Patent Application Publication No. 2004/0128152 A1, July 1, 2004, discloses a secure online dating support system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'MSG', written in a cursive style.

MSG  
Patent Examiner  
January 15, 2006